

**HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**W.P.No.9639 of 2016**

**ORDER:**

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This writ petition is filed seeking following relief:-

“.... to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of Respondents 2 and 3 in not releasing and supplying the essential commodities in favour of the petitioner, so as to enable the petitioner to continue and distribute the essential commodities to the cardholders of FP Shop No.7, Martur Village and Mandal, Prakasam District as arbitrary, mala fide, illegal, improper, vitiated, unjust, unconstitutional, perverse and violative of statutory provisions of law and violative of principles of natural justice violative of the statutory provisions of law and violative of the law laid down by the Hon'ble High Court reported in 2002(1) ALD 577 (FB) and consequently direct the respondents to release and supply the essential commodities in favour of the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Considering the fact that panchanama was conducted on 13-08-2014, learned Government Pleader was directed to get instructions as to whether any show-cause notice was issued to the petitioner, if so, whether any enquiry was conducted.

Today, learned Government Pleader places on record the instructions received from the 2<sup>nd</sup> respondent and stated that a show cause notice dated 28-08-2014 was issued to the petitioner asking him to submit explanation with regard to the charges framed against him. On the same day, the authorisation of the petitioner is suspended. Both the show-cause notice and suspension order were served on the petitioner. However, the petitioner has not submitted any explanation. It is also stated that no enquiry has been conducted.

Learned counsel for the petitioner denies receipt of suspension order as well as show-cause notice by the petitioner. He further states that the signature on the suspension order does not belong to the petitioner.

In the facts and circumstances of the present case, it may be noted that the seizure panchanama is dated 13-08-2014 and the petitioner approached this Court nearly after two years making a grievance. In the affidavit, there is no whisper as to why he has kept quiet for all this time. On the other hand, the

petitioner denies receiving of show-cause notice as well as suspension order. Even assuming for argument sake, the petitioner has not received the suspension order and show-cause notice, the delay in approaching this Court is still to be explained. However, the petitioner failed to explain the delay.

In that view of the matter, this Court is not inclined to direct the respondents to continue the petitioner as a fair price shop dealer until enquiry is completed. However, considering the fact that in spite of issuance of show-cause notice, the 2<sup>nd</sup> respondent has not proceeded with the enquiry, the interest of justice would be served, if an opportunity is given to the petitioner to submit his explanation to the show-cause notice, as the petitioner vehemently denies receiving of the show-cause notice.

Hence, the 2<sup>nd</sup> respondent is directed to issue a fresh show-cause notice to the petitioner setting out the allegations levelled against him and give an opportunity to submit explanation and complete the enquiry.

Considering the fact that the petitioner is kept out of the assignment from August, 2014, the 2<sup>nd</sup> respondent is directed to complete the enquiry and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

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**CHALLA KODANDA RAM, J**

Date: 31.03.2016

Note:

Issue C.C. in three days

(B/o)

Prv

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Prv